



- **Lesser Horseshoe Bat** **Rhinolophus Hipposideros**



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Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Menlo Castle, Menlo, County Galway for Galway County Council**
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **BAT**. Anything done other than in accordance with the terms of this derogation may constitute an offence
3. This derogation may be modified or revoked, for stated reasons, at any time. In addition, the Minister reserves the right to revoke the derogation where updated information indicates that the basis upon which the derogation was granted has materially changed.
4. The mitigation measures outlined in the application report (**BAT DEROGATION LICENCE APPLICATION**
5. **– MENLOUGH CASTLE**) together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
6. The actions which this derogation authorise shall be completed between **6th July – 31st December 2026, inclusive**.
7. The works will be supervised by bat ecologist(s): **Aoife Joyce, Clare Mifsud & Saoirse Fitzsimons**
8. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
9. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
10. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
11. The local **NPWS Regional Manager – Rebecca Teesdale**, rebecca.teesdale@npws.gov.ie, must be contacted prior to the commencement of any activity, and if bats are detected on site during the course of the work, under the terms of this derogation.
12. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised Returns form and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the Returns form, a report will also be submitted to wildlife.reports@npws.gov.ie detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



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For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

(an officer authorised by the Minister to sign on his behalf)

06 July 2026

Any query in relation to this derogation should be sent to reg54derogations@npws.gov.ie



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Derogation Assessment

Name of Applicant: Galway County Council

Location/Name of Project: Menlo Castle, County Galway

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	☐
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
(c) Deliberately take or destroy eggs of the relevant species in the wild	☐
(d) Damage or destroy a breeding or resting place of such an animal, or	☐
(e) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
(b) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	☐
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	☐
(c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,	☒
(d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants, or	☐
(e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.	☐

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ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2)(c) 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment' as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the public health and public safety aspect of Reason C. As outlined in the accompanying report titled "Bat Derogation Licence Application" a derogation is required to facilitate proposed works on the grounds of Menlo Castle on the banks of the River Corrib, Galway City.

The objective of the proposed works is to stabilise and conserve the castle ruins. Repointing and stabilisation works are proposed to take place on the western elevation of the wall under Phase 6 of the plan. The report further outlines on page 14 that the castle is in a "deteriorated condition" with "sections of the structure remain unstable, presenting an ongoing risk to public safety due to potential rock fall and structural collapse."

The report notes the works are "essential to secure the long-term structural integrity of the building as a whole" and without the works proceeding the castle will continue to decline increasing the chances of a full or partial structural collapse.

The applicant has provided evidence as to the nature and scale of the public health and public safety aspect and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2 |

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Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

The documentation submitted by the applicant has been reviewed, including the evidence for alternative solutions.

The purpose of the derogation is to allow the following activity to take place: The proposed works aim to further the stabilisation of the Menlo Castle ruins (this application relates to Phase 6 of the project with Phases 1-5 already completed). These works are required to prevent the collapse of the structure which poses serious health and safety concerns for people and animals (livestock and wildlife including several bat species) and would lead to the loss of a culturally significant protected structure in Galway City.

The specific situation that needs to be addressed is that essential Phase 6 construction works are required to be carried out within and on the structure, including on sections of the building hosting the LHB roost.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario: The structure is currently unstable, with specific elements identified as being at immediate risk of collapse. If no intervention were to take place structural collapse is highly likely in the short to medium term. If key features such as the fireplaces and chimneys were to collapse this would result in the uncontrolled and permanent loss of roosting features and known roost locations, and dependant on time of year, potentially the death of the colony also. This option is not viable as the works are essential to prevent the otherwise inevitable failure of the structure and subsequent permanent loss of roosts and potentially bats also.
2. Alternative 1: Delaying the works: There is a real and high risk that the structure could fail in the short or medium term. Delaying works could result in the same outcome as the ‘Do-Nothing’ scenario above. This option is also deemed unviable as a result.
3. Alternative 2: Reduced intervention or partial stabilisation. This alternative is also deemed unfeasible as localised repairs would not address the underlying structural instability of the Phase 6 sections of the building. In addition, partial works would not reduce the risk of progressive collapse across interconnected sections of the structure. Finally these smaller scale interventions would require repeated interventions, leading to potentially greater long-term disturbance to the bats.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 15 of the accompanying report three alternative solutions, including the “do-nothing alternative” were examined by the applicant.



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Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent. It is also noted that a tightly controlled and planned out works schedule has been devised to limit impact through disturbance on the bats both in terms of project duration and construction methodology. Mitigation measures to prevent even temporary obstruction to access points have been put in place and scaffolding location and style has also been considered carefully to be as low impact as possible.

Having weighed the possible solutions to solve the applicant's problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.

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Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)

A roost for Lesser horseshoe bat (LHB), was identified on site but the works are required to safe ground the roost into the future. LHB is in unfavourable conservation status nationally.

Suitable and proportionate mitigation have been proposed. The mitigation measures ensure that the existing roost remains protected during the works and will be available for re-use once works have been completed. The main part of the works will also take place after the most sensitive time for the bats.

Providing these mitigation measures are implemented, I am satisfied that the works will not be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



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Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

Tick box where appropriate:

There is no satisfactory alternative ☒

and the derogation is not detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. ☒

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora and conserving natural habitats ☐

(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property, ☐

(c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, ☒

(d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants, or ☐

(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule. ☐

OR This application has been refused as one or more of the conditions set out above have not been met ☐



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The following conditions should be attached to the derogation:

- 1.
- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: July 6, 2026

Position: Ecologist